

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

SAUL HOROWITZ, as Sellers'
Representative,

Plaintiff, No. 17 CV 7742 (JPO)

NOTICE OF MOTION

v.

NATIONAL GAS & ELECTRIC, LLC and
SPARK ENERGY, INC.,

Defendants.

PLEASE TAKE NOTICE that, upon the accompanying Memorandum of Law in Support of Defendants' Motion to Dismiss the Complaint, and upon all prior papers and proceedings in this action, Defendants National Gas & Electric, LLC, and Spark Energy, Inc., will move this Court, before the Honorable J. Paul Oetken, United States District Judge, at the Daniel Patrick Moynihan United States Courthouse, 500 Pearl Street, New York, New York 10007, on a date and time to be set by the Court, for: (a) an order pursuant to Federal Rule of Civil Procedure 12(b)(6) dismissing with prejudice Counts I and IV of the Amended Complaint, and any claim for punitive or consequential damages; and (b) for such other relief as this Court may deem just or proper.

Dated: January 15, 2018
New York, New York

MORGAN, LEWIS & BOCKIUS LLP

/s/ Kenneth Schacter

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